

CHAPTER 15¹

TEMPORARY AND SEASONAL USES

14-15-101	PURPOSE
14-15-102	DEFINITIONS
14-15-103	APPLICATION AND FEE
14-15-104	REQUIRED INFORMATION AND PLANS
14-15-105	ADMINISTRATIVE REVIEW PROCESS
14-15-106	PLANNING COMMISSION REVIEW
14-15-107	GENERAL STANDARDS
14-15-108	USES, SPECIFIC STANDARDS, AND TIME LIMITS
14-15-109	TIME BETWEEN ACTIVITIES
14-15-110	EXEMPT USES
14-15-111	ACTION OF PLANNING COMMISSION AND PLANNING STAFF

14-15-101 PURPOSE

The following regulations are provided to accommodate those uses of land or within existing buildings which are temporary in nature, will not adversely impact the surrounding area and land uses, and which can be terminated and removed immediately. Temporary uses have no inherent rights within the zone in which they locate. Temporary uses are characterized by their short term or seasonal nature and by the fact that they do not involve the erection of any substantial structures or require any other permanent commitment of the land.

14-15-102 DEFINITIONS

The following definitions shall be used in the interpretation and construction of this Chapter:

Arts and Crafts Shows: the display and sale of painting, sculpture, hand crafts, and similar objects.

Garage and Yard Sale: an occasional sale conducted by a property owner at their place of residence which offers obsolete personal possessions for sale but does not include items brought to the site for sale.

Promotional Events: includes carnivals, craft shows, mechanical and animal rides, or the display and/or sale of merchandise or product that are not typically sold or serviced on the site.

Retail Warehouse Sale: the sale of products or merchandise to the general public by a manufacturing business established on a site which does not operate a retail outlet as a normal element of its business operation.

¹Amended 12/8/99 Ordinance No.99-21

Swap Meet: the retail sale or exchange of new, handcrafted, or second-hand items conducted by a sponsor for not more than forty-eight (48) hours and includes flea markets.

Temporary Carnivals and Fairs: the provision of mechanical and animal rides, games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities outdoors or in a tent or other temporary structure.

Temporary Sales Activities: the sale of products outside of, but in close proximity to, a building by a permanent occupant of a site and includes sidewalk sales, inventory reduction or liquidation sales, distressed merchandise sales, and similar sales.

Temporary Sales Office: a model home or unit within a subdivision, apartment complex, or planned unit development which serves as an office for the sale or lease of property in that subdivision, apartment complex or planned unit development, or a temporary structure located on the site of a development project which serves as a temporary business office while a permanent office is under construction on the site.

14-15-103 APPLICATION AND FEE

A. Application for a temporary use permit shall be made to the Planning Director, on forms to be provided by the City, at least thirty (30) calendar days prior to the proposed event. The application shall be made by the owner of the affected property or the owner's duly authorized agent.

B. The application shall be accompanied by a non-refundable fee as established by the City Council.

C. After approval of a temporary use permit, the applicant shall also obtain any required business license for the proposed use.

D. An approved temporary use permit shall be effective on the date of its approval. A temporary use permit shall lapse if not used within the dates approved and may be revoked by the Planning Director effective immediately upon verbal or written notice for violation of the permit. Verbal notice shall be confirmed by written notice mailed within a reasonable time to the permit holder.

14-15-104 REQUIRED INFORMATION AND PLANS

A. A concise statement describing the proposed event, including the purpose, type of merchandise involved, dates and times of operation, number of employees involved, provisions for on-site security, provision for on-site parking, and other pertinent information necessary to adequately evaluate the application; and

B. A copy of a site plan drawn to a standard scale which is no greater than 1"=20', for the property which accurately represents existing condition on the site, including entrances, exits, parking area, driveways, and existing structures and which accurately shows the location of any

proposed temporary structures such as tents, stand or signs.

14-15-105 ADMINISTRATIVE REVIEW PROCESS

A. The following uses may be reviewed and approved by the Planning Director:

1. Christmas tree lots;
2. Construction trailers;
3. Fireworks stands;
4. Model homes and model home shows;
5. Warehouse sales.

B. The Planning Director shall review the application and related materials and shall determine whether or not the proposal is in compliance with all applicable codes, ordinances, and specific standards for temporary uses as set forth herein. The Planning Director may request that the Police Chief and Fire Chief review and comment on applications where traffic control may be a significant issues. The Planning Director may also evaluate the application and request review and comments from the County Board of Health and/or other Health related agencies.

C. A written permit shall be issued to the applicant after a determination of compliance has been made. Reasonable, specific conditions to assure compliance may be attached to the permit to assure compliance or to deal with circumstances related to neighboring uses, geography, etc..

D. An application may be denied if the Planning Director determines that the proposal does not comply with the standards established herein or that the public health, safety, or welfare may be impaired by issuance of a permit. Denial of the application shall be communicated to the applicant in writing and shall state the reasons for denial.

E. An appeal of any determination of the Planning Director may be made to the Planning Commission. Such appeal shall be filed with the Planning Department within ten (10) working days after a final determination by the Planner Director, stating the specific reason why the determination should be reversed or modified.

14-15-106 PLANNING COMMISSION REVIEW

The following temporary permits require Planning Commission approval:

- A. Fairs, carnivals, rodeos, live entertainment, etc.;
- B. Promotional events;
- C. Swap meets;
- D. Trailers intended for temporary offices or sales;
- E. Other uses which due to unusual circumstances the Planning Commission or Planning Director reasonably deem necessary for special review.

14-15-107 GENERAL STANDARDS

A. The nature and intensity of the proposed use and the size and location of any temporary structures shall be planned so as to be compatible with existing development and uses in the area.

B. Permanent changes to the site are prohibited. When the temporary use ends, the applicant shall restore the site to its original condition, including such clean up, washing, and replacement of facilities as may be necessary, or, if applicable, shall complete site improvements according to the approved site development plan.

C. Tents, stands, trailers, mobile equipment, and other similar temporary structures may be utilized provided they are clearly identified on the submitted plan and it is determined by the Planning Director that they will not impair the parking capacity, emergency access, or safe and efficient movement of pedestrian and vehicular traffic on or off the site.

D. Temporary buildings or structures shall conform to all area and setback requirements established for permanent buildings or structures for the zoning district in which the use is proposed. Temporary buildings or structures shall not be located in landscaped areas and shall be located to minimize adverse impacts of increased traffic on surrounding properties.

E. Temporary uses which do not include buildings or structures may be conducted within a required yard provided the area is paved and the activity does not interfere with parking, traffic circulation, or emergency vehicle access.

F. **Parking Standards:**

1. Temporary parking areas may be allowed only during construction on a site. They must be removed, and the land restored to its original condition, prior to the issuance of a certificate of occupancy for the construction.
2. Adequate off-street parking for the proposed event shall be provided for the duration of the event. Determination of compliance with this requirement shall be made by the Planning Director who shall consider the nature of the event and the applicable parking standards of this Ordinance. Consideration shall be given to the parking needs and requirements of permanent occupants of the site.
3. Temporary uses shall not reduce required parking spaces below the minimum required for the permanent uses existing on the site.
4. Parking areas for the proposed use shall be surfaced with asphalt, concrete, gravel or other surface acceptable to the Planning Director.

G. Permanent signs are prohibited. The size and location of signs shall be shown on the

site plan and approved by the Planning Director as part of the application approval. All signs shall be removed when the activity ends.

H. No loudspeakers or other amplifying sound devices shall be used in conjunction with a temporary use unless specifically approved by the Planning Director.

I. Outdoor lighting, if used, shall be subdued. All lighting shall be designed, located, and directed so as to eliminate glare and minimize reflection of light into neighboring properties. Searchlights shall not be permitted.

J. Temporary uses on sites where the primary use is a conditional use shall not violate the conditions of approval for the primary use.

K. The applicant shall provide to the Planning Director proof of liability insurance for the requested use if necessary. This proof shall be submitted with the application.

L. These provisions shall not be construed to exempt the operator from complying with applicable Building Codes, Health Codes, or permit requirements established by other regulatory agencies or departments.

14-15-108 USES, SPECIFIC STANDARDS, AND TIME LIMITS

A. Residential Zones. Temporary uses in single-family and multiple-family residential zones shall comply with the standards, and are limited to the uses, specified below:

1. Hours of operation shall be limited to the hours between 8:00 a.m. and 8:00 p.m..
2. Temporary sales offices must be located in the subdivision where lots are being sold or in the apartment complex or planned unit development where units are being sold or leased.
3. Temporary sales offices in trailers. Temporary sales offices in a trailer or other portable structure for the sale or lease of property in subdivision, an apartment complex or planned unit development is prohibited.
4. Temporary sales offices in a model home or unit for the sale or lease of property in a subdivision, apartment complex or planned unit development may be used until the last lot or unit in the development is sold and closed. If the office is located in the area of the home intended for a garage, any alterations made to accommodate the office shall be removed, and the space shall be converted to the function as a garage upon termination of the temporary office.
5. Construction trailers incidental to a specific construction project may be

located on the site of such a project. The trailer may remain for the duration of the project and shall be removed within thirty (30) days after substantial completion of the project. Storage of construction and related material and debris shall not be permitted in the public right-of-way. Temporary offices housed within construction trailers wherein a business or service for others are transacted are prohibited. Examples of such uses are Accountant, Architect, Insurance Sales, Medical and Dental, Real Estate Sales, etc..

6. Fairs, carnivals, rodeos, live entertainment, and other major public gatherings and fund-raising events or promotional events may be permitted for up to three (3) consecutive days at a site with an existing public or quasi-public use. Two such events per sponsor may be permitted per calendar year.

B. Commercial Zones. Temporary uses in commercial zones shall comply with standards, and are limited to the uses, specified below:

1. Hours of Operation for temporary uses shall be established at the time the use is approved.
2. Christmas Tree Lots. A temporary use permit and business license shall be obtained for the display and open lot sales of Christmas trees except where such display and sales occurs within a permanent outdoor sales area which is incidental and accessory to an approved conditional or approved use. Christmas tree sales may occur only between Thanksgiving and Christmas Day. All unsold trees shall be removed from the property, and the property returned to its original condition, by December 31 of each calendar year. A cash bond may be required to insure performance of this requirement.
3. Construction trailers. Construction trailers incidental to a specific construction project may be located on the site of such a project. The trailer may remain for the duration of the project and shall be removed within thirty (30) days after substantial completion of the project. Storage of construction and related material and debris shall not be permitted in the public right-of-way.
4. Fairs, carnivals, and other major public gatherings. Fairs, carnivals, rodeos, live entertainment, and other major public gatherings and fund-raising events or promotional events may be permitted for up to three (3) consecutive days at a site with an existing public or quasi-public use. Two such events per sponsor may be permitted per calendar year.
5. Fireworks Sales. Retail sales of fireworks is permitted subject to provisions of the Bountiful City Business Regulations and State law. Duration of the fireworks stands shall be specified and approved by the Planning Director.

6. Promotional events. Promotional events shall not exceed five (5) consecutive days per event, two (2) of which shall be a Saturday and Sunday. There shall be no more than two promotional events per calendar year per property.
7. Seasonal Produce Stands Offering Produce and Plants *Not* Grown on the Premises. Stand selling produce and plants which are not grown on the premises may be permitted under the Temporary Business Licensing Provisions of Bountiful City. This category includes “Farmers Markets”.
8. Swap meets. Swap meets may be permitted for not more than three (3) consecutive days not more than four (4) times per year. If an applicant proposes such events more frequently, the swap meet shall be considered a permanent use which shall require conditional use approval prior to issuance of a business license.
9. Temporary office. A temporary office for a business for which a permanent building is being constructed on a site may be approved and occupied until an occupancy permit is issued for the permanent building or for six (6) months, whichever comes first. The temporary office shall be located on the same site as the future permanent building but shall not be moved onto the site until a building permit is issued for the permanent building.
10. Warehouse sales. Retail warehouse sales are allowed for up to five (5) consecutive days at any one time.

14-15-109 TIME BETWEEN ACTIVITIES

Except for construction trailers and temporary offices, the time between temporary activities shall be a minimum of five (5) times as long as the duration of the last event.

14-15-110 EXEMPT USES

The following uses are exempt from the provisions of this section:

- A. Fund-raising events of non-profit organizations which last not more than three (3) consecutive days, including such things as bake sales or car washes but not including larger events such as outdoor carnivals, swap meets, or arts and crafts sales.
- B. Temporary sales activities involving the display of new retail products on the site of the business which sells such products provided the display area is within ten (10) feet of the main building and does not extend into a public right-of-way or occupy required parking spaces or landscaped areas.
- C. Temporary businesses licensed under the Temporary Business Licensing provisions of the Bountiful City Code.

D. Garage or yard sales that occur not more than four (4) times a year per property with each event lasting not more than seventy-two (72) hours. The sale of products brought to the site is prohibited.

E. Seasonal fruit and vegetable stands selling produce grown on the premises are permitted subject to compliance with other applicable provisions of this Ordinance.

F. Community events which are sponsored and/or approved by the City.

G. Other exemptions as specifically approved in writing by the Bountiful City Council.

14-15-111 ACTION OF PLANNING COMMISSION AND PLANNING STAFF

The Planning Commission and Planning Staff may approve a use which meets the above requirements, may deny a use which does not meet said requirements, or may approve the establishment of a use with such additional conditions as deemed appropriate to assure that the use will be compatible and will not pose any unreasonable detriment to persons or property. Said conditions may include a limitation upon hours of operation and/or a time limitation which is less than the maximum established by this Chapter.